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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,258	09/29/2003	Sean Fitzgerald	FSE-100-A	8842

7590 10/21/2004
Barbara M. Burns
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EXAMINER

CHANG, AUDREY Y

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,258	Applicant(s) FITZGERALD, SEAN	
	Examiner Audrey Y. Chang	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/14/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. **Claims 1-19 are objected to because of the following informalities:**

(1). The phrase “holographic projector” recited in claim 1 and other dependent claims is confusing since it is not clear if this means that the projector includes a *recorded hologram* that is *reconstructed* to produce holographic image or an image projection system with image projection means and *holographic optics* such as lenses or screen to project the image.

(2). The phrase “the grave marker” recited in claim 4, and the phrase “the urn” recited in claim 5, are confusing and indefinite since they each lacks a proper antecedent basis from their respective based claim.

(3). The phrase “can be” recited in claims 13-14, and 18 is confusing since it is not clear if the phrase after “can be” is definitely a part of the limitations or not.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application publication by Barrows (US 2004/0085337A1) in view of the patent issued to Perry (PN. 4,208,086).**

Barrows teaches a *video* and *audio* enhanced *gravemarker* (100, Figures 1 and 5) for conveying information of a deceased individual, wherein the gravemarker comprises a visual display device (108

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and 400, Figures 1, 4 and 5) including *visual information projector* such as *film projector*, DVD or video player, and an *audio transmitter* for communicating both visual and audio information of the deceased individual to visitors or viewers. Barrows further teaches that an *energy or power source* (210, Figure 2) is used to supply the power to the visual display device and *circuits* or *wiring* stored in the track (204) is used to supply the power from the energy source to the visual display device and the audio transmitter, (please see Figure 4, and the abstract, paragraphs (0038, 0046, 0047, 0048)).

This reference has met all the limitations of the claims with the exception that it does not teach explicitly that the visual display information projector comprises a holographic projector. However using holographic projector to projected holographic image of stored information for display purpose is quite well known in the art as demonstrated by the teachings of Perry. Perry teaches a three-dimensional projection system for projecting and displaying a *holographic image* of stored information to a viewer by *illuminating a holographic* transparency (12, Figure 1), with stored information, using a light source (11). The real image (24) of stored information such as the spacecraft (Figure 1) is projected and displayed to viewer by the projection system. It would then have been obvious to one skilled in the art to apply the teachings of Perry to modify the visual information projector of Barrows to use a holographic projector to provide the visual information of the deceased for the benefit of providing a three-dimensional image presentation for the visual information of the deceased.

With regard to claims 2 and 19, Barrows teaches that the audio and video presentation of the information by the visual and audio projection systems can be activated by either using an on-off switch on the gravemarker or using a remote control, this implicitly means a sensor is used to allow the remote control be operable, (please see paragraph (0020)).

With regard to claim 3 and 7, Barrows teaches that the visual and audio information projection systems are placed within a gravemarker, (please see Figures 1 and 4).

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With regard to claims 4-6, Perry teaches that the holographic image, which is a three-dimensional image, is projected into the space between the viewer and the afocal plate (20, please see the abstract and Figures 1 and 2). This means the holographic image will be produced and projected in the space between the gravemarker and the observer. Although both the cited references do not teach explicitly that the space is around the urn such modification is considered to be obvious to one skilled in the art since the visual-audio information projection system of Barrows in combination with the teachings of Perry can certainly be applied for a urn for the benefit of providing the same enhanced visual and audio information conveying system for a deceased person placed in a urn. The audio transmitter with a speaker (120) taught by Barrow is to convey audio information of the deceased.

With regard to claims 8 and 9, Barrows teaches that the gravemarker is weather proof and secured from vandalism and a sliding door (202) is used to cover the visual display for protection it from the weather and natural elements, (please see the abstract).

With regard to claims 10-11, Barrows teaches that the energy power source may include VAC power outlet, (please see paragraph (0042)). Although this reference does not teach explicitly about to include a A/C adapter, such is either implicitly included in the various visual display device (DVD or video display etc.) or an obvious modification to one skilled in the art for the benefit of allowing devices with different power level requirement may be used in the system.

With regard to claims 13-15, it is implicitly true or an obvious matters of design choice to one skilled in the art that the visual information of the deceased can be photograph or image of the deceased and it can be generated from preexisting image, in particular for making holographic image of such a photograph of the deceased can be used to record the hologram.

With regard to claims 16-18, Barrows teaches that speakers (120) are used to convey the audio information to viewer and it is implicitly true or an obvious matters of design choice to one skilled in the

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art that the audio information can be in any forms as desired including earlier captured voice of the deceased or desired music.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the patent application publication of Barrows and patent issued to Perry as applied to claim 1 above, and further in view of the US patent application publication of Majors (US 2001/0036354 A1)..

The *enhanced video and audio gravemarker* taught by Barrows in combination with the teachings of Perry as described from claim 1 above have met all the limitations of the claims. Barrows teaches that the energy power source may include various well-known power sources but this reference does not teach explicitly that a solar panel is used. Majors in the same field of endeavor teaches a multimedia memorial for a gravemarker wherein the energy power source for powering the multimedia memorial includes a solar cell means, (please see paragraph (0049)). It would then have been obvious to one skilled in the art to apply the teaching of Majors to modify the gravemarker of Barrows to use a solar cell for the benefit of eliminating the needs of connecting AC power lines through the grave yard and for the benefit of utilizing naturally supplied power to operate the video and audio projection system of the memorial information.

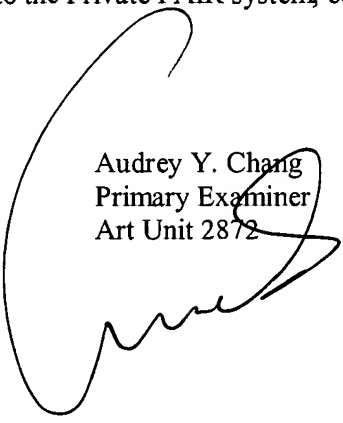
Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Audrey Y. Chang
Primary Examiner
Art Unit 2872

A. Chang, Ph.D.